

**REMARKS**

Claims 1–11 and 13–29 were previously pending and have been cancelled. Independent claim 12 has been amended. New claims 30–50 have been added. Claims 30, 37, and 43 are independent. Applicant respectfully requests reconsideration and allowance of the application.

**1) Rejections under 35 U.S.C. 103**

The prior art of record, neither alone nor in combination, teaches or suggests the inventions described in amended claim 12 or the new independent claims 30, 37, and 43. Each of these claims is patentable in light of the prior art of record at least for the following reasons.

Regarding claim 12, it has been amended to recite “determining, at the client system, that a new software version was downloaded onto the client system while the client system was in a partially powered off state.” The prior art of record does not teach interaction between the client system and the server system when the client system is in a partially powered off state, much less the claimed functionality of determining whether a new version of software has been installed by the server system while the client system is in a partially powered off state.

New claim 30 is directed to a method which includes “receiving...an upgrade for software for the device, where the receiving occurs while the client is in the partially powered off state.” Additionally, new claim 37 is directed to a client system having “a computer-readable medium carrying computer-executable instructions that, when executed at the client system, cause the client system to determine whether a new version of software has been downloaded while the client system was in a partially powered off state.” The prior art of record does not teach or suggest a system or method of receiving communications from a server at a client while the client is in a partially powered off state.

New claim 43 recites "when the client system is to receive the upgraded version of client software, transmitting the upgraded software from the server system to the client system when the client system in a partially powered off state." Because the prior art of record does not teach or suggest a server system or a client system configured to send/receive new versions of software while the client is in a partially powered off state, these claims are patentably distinct over the cited references.

Claims 31–36, 38–42, and 44–50, which depend from claims 30, 37, and 43, respectively, are also patentable for at least the aforementioned reasons.

No new matter is believed to be introduced by this amendment. In particular, support for these amendments may be found in FIGs 3 and 9 and on pages 20 and 21 of the present Specification.

#### CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that claims 12 and 30–50 are patentably distinct over the cited references and that all the rejections to the claims have been overcome. Reconsideration of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: April 30, 2007

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Microsoft Corporation  
Application Number: 09/851,402  
Attorney Docket Number: 81414.28